

IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN AT
JAIPUR BENCH JAIPUR

Order

S.B. CIVIL MISC. APPEAL NO.223/2005
BABU LAL SAINI V. GOVIND RAM JAT AND ANOTHER

DATE OF ORDER ::::: OCTOBER 17, 2006

PRESENT

HON'BLE MR. JUSTICE PREM SHANKER ASOPA

Mr.C.S.Goyal, for the appellant

BY THE COURT

This appeal for enhancement of the compensation has been filed by the claimant challenging the Award dated 28.9.2004 passed by the Judge, M.A.C.T. and Addl.Distt. Judge No.9, Jaipur City in Claim Petition No. 374/2004 (58/2000) whereby compensation amounting to Rs.33,700/- has been awarded.

The facts of the case, in brief, are that on 2.3.1999 the claimant along with Shubhkaran was coming from Samod to Chomu on Scooter No.RJ-14 18M 7157 and at about 3.15 p.m. when they reached at the Samod crossing, Jeep No RJ-14 8553 came from the side of Reengus and collided with the Scooter as a result of which claimant as also Shubhkaran sustained injuries. The claimant filed claim petition for compensation amount to Rs.6,80,000/- but the Tribunal has awarded only a sum of Rs.33,700/- as compensation.

Submission of the learned counsel for the appellant is that the claimant suffered 3% permanent disability; that he was earning Rs.4,500/- per month and that he could not attend work for a period of six months.

I have heard learned counsel for the appellant and perused the impugned Award.

The Tribunal while passing the Award, has mentioned that the permanent disability certificate Ex.15 has not been proved by the doctor and as regards income of the claimant, no certificate to that effect has been filed. However, it is true that the Tribunal has awarded Rs.30,000/- on account of 3% permanent disability, Rs.500/- for physical pain and agony, Rs.500/- under the head of transportation and nutritious food and for the medicines Rs.1200/- have been awarded. For the loss of income, a sum of Rs.1,500/- has been awarded by the Tribunal. Thus, a total sum of Rs.33,700/- has been awarded by the Tribunal. There is no certificate of the doctor placed on record advising rest for six months to the claimant. Still, the Tribunal has awarded Rs.1,500/- on this count.

In the above facts and circumstances, I am of the view that the compensation awarded by the Tribunal is just, legal and proper and no interference is called for in this appeal.

The appeal is, therefore, dismissed.

(PREM SHANKER ASOPA), J.

GOPAL